

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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862 Second Avenue LLC,	:	Civil Action No. _____
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	
2 Dag Hammarskjold Plaza Condominium, et	:	
al.,	:	
	:	
Defendants.	:	
	:	
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NOTICE OF REMOVAL BY THE KINGDOM OF SAUDI ARABIA

Defendant Kingdom of Saudi Arabia, a foreign state ("Saudi Arabia"), respectfully represents to this Court as follows:

THE STATE COURT ACTION AND THE PARTIES

1. Plaintiff 862 Second Avenue LLC commenced an action against Saudi Arabia and others on October 11, 2016, in the Supreme Court of the State of New York in the County of New York, entitled 862 Second Avenue LLC v. 2 Dag Hammarskjold Plaza Condominium, et al., Index No. 655408/2016 ("State Case"), by filing a Summons and Complaint, true and correct copies of which are attached hereto as Exhibit A. A copy of all other documents filed in the state court is attached as Exhibit B.

2. Although Saudi Arabia disputes the sufficiency of service of process, Plaintiff filed an Affidavit of Service purporting to have served Saudi Arabia with a Summons and Complaint on October 13, 2016 (*see* Exhibit B, Affidavit of Service, filed in the State Court on October 17, 2016). This Notice of Removal is being filed within thirty (30) days of the purported

service of Plaintiff's Summons and Complaint on Saudi Arabia and is, therefore, timely under 28 U.S.C. § 1446(b).

GROUND FOR REMOVAL

3. This Court has original jurisdiction over the State Case under 28 U.S.C. § 1330(a) because Saudi Arabia is a foreign state as defined in 28 U.S.C. § 1603(a).

4. This action is removable to this Court pursuant to 28 U.S.C. § 1441(d), which provides that a foreign state as defined in 28 U.S.C. § 1603(a) may remove a civil action against it to the district court of the United States for the district embracing the place where such action is pending.

5. Under 28 U.S.C. § 1441(d), this Court is the appropriate court for filing a Notice of Removal from the Supreme Court of New York, County of New York, where this action is currently pending.

6. This notice is filed with this Court within thirty (30) days after the purported service under 28 U.S.C. § 1446(b).

7. Promptly after the filing of this Notice of Removal, Saudi Arabia shall provide notice of the removal to Plaintiff through its attorneys of record in the State Case and to the Clerk of the Court in the State Case, as required by 28 U.S.C. § 1446(d).

8. Defendant reserves all rights, including defenses and objections as to venue, personal jurisdiction, and service, and the filing of this Notice of Removal is subject to, and without waiver of, any such defenses and objections.

WHEREFORE, Defendant Saudi Arabia hereby removes this action from the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York.

Dated: New York, NY
November 2, 2016

By: /s/ Mitchell R. Berger

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